



## New Mexico State Personnel Board State Personnel Office

Michelle Lujan Grisham  
Governor

Pamela D. Coleman  
Director

State Personnel Board  
Christine B. Romero, Chair  
Jerry Manzagol, Vice Chair  
Carmen V. Chavez, Member

Via Email & Certified Mail  
Return Receipt Requested  
March 22, 2019

Joe M. Romero, Jr  
Romero & Winder, P.C.  
1905 Lomas Blvd. NW  
Albuquerque, New Mexico 87104  
[joe@romeroandwinder.com](mailto:joe@romeroandwinder.com)  
Certified Mail#7018 1130 0000 8504 3072

Jesse Tremaine, Assistant General Counsel  
New Mexico Department of Health  
Office of General Counsel  
P.O. Box 26110  
Santa Fe, New Mexico 87502-6110  
[Jesse.Tremaine@state.nm.us](mailto:Jesse.Tremaine@state.nm.us)  
Certified Mail#7018 1130 0000 8504 3089

Re: *John P. Vigil v. New Mexico Department of Health*; Docket 15-079

Dear Mr. Romero and Mr. Tremaine:

Enclosed is a copy of the *Final Decision* rendered by the State Personnel Board in the above-referenced matter filed March 22, 2019.

Please note the 30-day statutory timeframe in which to appeal to District Court. In the event of an appeal, a record proper will only be prepared if the Adjudication Division is provided with an endorsed copy of the Notice of Appeal.

Sincerely,

A handwritten signature in blue ink, appearing to read "Annette Lopez".

Annette Lopez  
Paralegal and Legal Assistant  
Phone: 505-476-7813  
Email: [Annette.Lopez2@state.nm.us](mailto:Annette.Lopez2@state.nm.us)

---

1209 Camino Carlos Rey, Santa Fe, New Mexico, 87507 (505) 476-7759

**BEFORE THE PERSONNEL BOARD  
STATE OF NEW MEXICO**

**IN THE MATTER OF  
JOHN P. VIGIL,**

**Appellant,**

**v.**

**Docket No. 15-079**

**NEW MEXICO DEPARTMENT  
OF HEALTH,**

**Appellee.**

Joe M. Romero, Jr.  
Romero & Winder, P.C.  
1905 Lomas Blvd. NW  
Albuquerque, New Mexico 87104

Attorney for Appellant

Jesse Tremaine, Assistant General Counsel  
Office of the General Counsel  
New Mexico Department of Health  
P.O. Box 26110  
Santa Fe, NM 87502-6110

Attorney for Appellee

**FINAL DECISION**


THIS MATTER came before the Personnel Board of the State of New Mexico on March 22, 2019, upon Appellant John P. Vigil's November 19, 2015 notice of appeal of his dismissal from Appellee New Mexico Department of Health ("Department"). After consideration of the Administrative Law Judge's summary of the evidence, proposed findings of fact, proposed conclusions of law, recommended decision, and the parties' exceptions to the recommended decision, if any, the Personnel Board enters the following decision:

1. The Personnel Board adopts and incorporates herein the Administrative Law Judge's proposed findings of fact.
2. Having analyzed the relevant law and/or policies in light of the adopted findings of fact, the Personnel Board agrees with, adopts and incorporates herein the Administrative Law Judge's proposed conclusions of law.
3. The Personnel Board overturns the dismissal of Appellant John P. Vigil and instead directs the Department to impose the sanction of a 30-day suspension upon him.
4. Appellant John P. Vigil shall provide a sworn statement of gross earnings to the Department for purposes of determining appropriate back pay and benefits.
5. The Administrative Law Judge retains jurisdiction to resolve any dispute concerning back pay.

#### **APPEAL**

Any appeal of this Decision must be made to the appropriate District Court within thirty (30) days of this decision being filed, as provided by NMSA 1978, § 39-3-1.1(C) (2001). The Adjudication Division will prepare a record proper for District Court, but ONLY upon notification (receipt of a notice of appeal with appropriate District Court stamped endorsement) from the appealing party that an appeal has been timely filed.

Entered: March 22, 2019

  
\_\_\_\_\_  
PAMELA D. COLEMAN  
Secretary to the Board